

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LINDA F. COSTES,

PLAINTIFF,

CIVIL ACTION NO. 2:08-CV-94-MHT

V.

**WAYNE INDUSTRIES, LLC,
a division of EBSCO,**

DEFENDANT.

REPORT OF PARTIES' PLANNING MEETING

Pursuant to Fed. R. Civ. P. 26(f), a meeting of the parties' representatives was held on April 18, 2007, and was attended by:

David R. Arendall, Attorney for Linda F. Costes

Stacey T. Bradford, Attorney for Wayne Industries, LLC

1. Pre-Discovery Disclosures.

The parties will exchange by May 1, 2008, the information required by Fed. R. Civ. P. 26(a)(1).

2. Discovery Plan.

Plaintiffs' position: Plaintiffs need discovery on the Plaintiffs' claims, damages and Defendant's defenses.

Defendant's position: Defendant needs discovery on the Plaintiffs' claims, damages and facts in support of Defendant's defenses.

The parties jointly propose to the court the following discovery plan:

All discovery commenced in time to be completed by December 31, 2008.

Interrogatories:

Maximum of 45 interrogatories by each party to any other party. Responses due 30 days after service.

Requests for Admission:

Maximum of 30 requests for admission by each party to any other party. Responses due 30 days after service.

Requests for Production of Documents:

Maximum of 45 Requests for Production by each party. Responses due 30 days after service.

Depositions:

Maximum of 8 depositions by Plaintiff and 8 depositions by Defendant.

Each deposition is limited a maximum of 7 hours unless extended by agreement of parties.

Reports of retained experts under Rule 26(a)(2) due:

From Plaintiffs: August 1, 2008

From Defendant: September 1, 2008

Supplementations under Rule 26(e) due no later than 30 days before discovery concludes.

4. Other Items.

Settlement:

Settlement possibilities have commenced, but the parties are not certain if a resolution can be reached prior to trial.

Conferences:

The parties do not request a conference with the court before entry of the scheduling order.

The parties request a pretrial conference in April of 2009.

Join Additional Parties and Amendments:

Plaintiffs should be allowed until July 15, 2008, to join additional parties and to amend the pleadings.

Defendant should be allowed until August 15, 2008, to join additional parties and to amend the pleadings.

Dispositive Motions:

All potentially dispositive motions should be filed by November 15, 2008.

Final Lists of witnesses and exhibits:

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due

From Plaintiffs: 30 days prior to trial.

From Defendant: 30 days prior to trial.

Parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

Trial:

The case is set for trial on May 11, 2009, and at this time is expected to take approximately 2-3 days.

Electronically Stored Information: To the extent it exists, relevant, non-privileged electronic information will be produced by the parties in either PDF or hardcopy format, to enable the parties to exchange discoverable information without undue burden or costs. A requesting party may obtain relevant, non-privileged electronic information in a format other than PDF or hardcopy only upon agreement by the parties or a showing of substantial need to the Court for such information in that format. The parties will agree to the entry of any order regarding claims of privilege or for protection with respect to the inadvertent

production of any privileged material that will allow the producing party to claw back such inadvertently produced document and will further require that such party produce a privilege log as to any such document.

/s/ David R. Arendall

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/s/ Stacey T. Bradford

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